

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, DC**

Application of	)	
	)	
Cabo Express, Inc.	)	
	)	Docket DOT-OST-2022-0024
for an exemption pursuant to 49 U.S.C. § 40109	)	
from the provisions of 49 U.S.C. § 41101	)	
(indirect air transportation)	)	

**AMENDMENT TO APPLICATION OF CABO EXPRESS, INC.  
FOR AN EXEMPTION**

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April 26, 2022

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DEPARTMENT OF TRANSPORTATION  
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Application of	)	
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**AMENDMENT TO APPLICATION OF CABO EXPRESS, INC.  
FOR AN EXEMPTION**

Cabo Express, Inc. (“Cabo Express”) filed an application on March 11, 2022 (“March 11 Application”), for an exemption from the requirements of 49 U.S.C. § 41101 and the Department’s economic regulations to the extent necessary to operate indirect air transportation of persons and property, by contracting with a U.S. certificated air carrier to provide air transportation of its members between the Los Angeles and San Francisco/Oakland areas, on the one hand, and San Jose del Cabo, Mexico, where they maintain vacation or second homes in six exclusive residential and recreational communities, on the other hand. The March 11 Application remains pending.

Cabo Express is hereby clarifying that it will contract with a U.S. certificated air carrier to provide air transportation of its members between airports serving the Los Angeles and San Francisco/Oakland areas, on the one hand, and airports serving the ***greater Los Cabos area***, including the San Jose del Cabo and Cabo San Lucas areas.

In all other respects, the program remains the same as set forth in the March 11 Application.

## Amendment to Application of Cabo Express for an Exemption

The Cabo Express member program and operation is fully consistent with other exemptions that the Department has previously granted to other similar member programs.<sup>1</sup> For the reasons explained in the March 11 Application and above, Cabo Express requests that the Department grant it an exemption from 49 U.S.C. § 41101 and the Department's economic regulations, including charter rules, to the extent necessary to enable it to engage in indirect charter passenger air transportation, on the limited basis described in the March 11 Application as clarified herein, and any further relief as the Department may deem necessary and advisable.



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<sup>1</sup> See, e.g., Kona Associates, DOT Order 2004-8-8; The Yellowstone Mountain Club, DOT Order 2012-2-1; Baker's Bay Associates, NOAT, dated June 6, 2012 (Docket DOT-OST-2012-0053); Kona Express, NOAT, dated April 11, 2018 (Docket DOT-OST-2018-0013); Maui-Kauai Shuttle, NOAT, dated August 27, 2021 (Docket DOT-OST-2021-0047); Hawaii Shuttle, NOAT, dated August 27, 2021 (DOT-OST-2021-0034); ROAM Maui, NOAT, dated August 27, 2021 (DOT-OST-2021-0065).

**Certificate of Service**

I hereby certify that a copy of the foregoing Amendment to Application of Cabo Express for an Exemption has been served this April 26, 2022, upon each of the following addressees by electronic mail:

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